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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/695,900	10/25/2000	JON DAKSS	WMI-004CPI (8415/5)	3366
23363 7590 01/19/2007 CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			EXAMINER VU, NGOC K	

ART UNIT	PAPER NUMBER
2623	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/19/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/695,900

Applicant(s)

DAKSS ET AL.

Examiner

Ngoc K. Vu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 10-15, 17-31 and 33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 10, 11, 14, 15, 17-29, and 33 is/are rejected.
- 7) ☒ Claim(s) 12, 13 and 30 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Response to Arguments

1. Applicant's arguments filed 11/02/2006 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

2. Claim 12 is objected to because of the following informalities: it seems that the term "the video" in line 7 referred to "the video frame" in conjunction with the limitation "a video object of a video frame" that is previously defined in line 2. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 10, 14, 15, 21, and 23-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. (US 5,708,845 A) in view of Macrae et al. (US 20030005463 A1).

Regarding claim 10, Wistendahl discloses in a hyperlinked television broadcast system (see figure 3) including a broadcaster (30) transmitting a hyperlinked television broadcast (media content, N data and/or IDM program) and a receiver (32-34) receiving the hyperlinked television broadcast that an video object of a video frame (e.g., object A, object B as shown in figures 2-3) has associated therewith hyperlinked information, the video object being displayed based on video frame data (col. 6, lines 1-4 and 29-39; col. 5, line 44 to col. 6, line 10; col. 12, lines 13-18), the method comprising: determining by the receiver whether the video object in the video frame is viewable during a particular shot (the media content is converted to interactive

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use by mapping the "hot spot" as separate data which are used in an interactive media program associated with the media content. Particularly, hot spot area A'(Fi) is mapped for object A and hot spot area B'(Fi) is mapped for object B in frame F. Thus, the object is displayed or viewable as "hot spot" that is determined by the receiver.), wherein the video frame is associated with one or more visibility bits (e.g., pixel values from N data or the display location coordinates of designated hot spot area in the frame of the video), and the receiver determines whether the video object in the video frame is viewable based on the one or more visibility bits (the video object in the frame is displayed or viewable as "hot spot" associated with the pixel values or the display location coordinates of designated hot spot area in the frame of the video. See col. 5, line 44 to col. 6, line 10), and visually highlighting the video object during the particular shot (the object may be highlighted when a pointer of a pointing device is positioned over the hot spot – col. 8, lines 40-54).

Wistendahl does not disclose displaying an interactive content icon responsive to the determination that the video object is viewable during the particular shot, the icon for indicating that the object has hyperlinked information.

However, Macrae discloses displaying an icon on a screen of television to inform a viewer that Internet data accompanies the television program is available. (See figure 2 and 0025). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wistendahl by displaying an icon on screen to inform a viewer that Internet data accompanies the television program is available as taught by Macrae in order alert the viewer the availability of information in a more attractive manner.

Regarding claim 14, Wistendahl as modified by Macrae further discloses that the icon is displayed in response to a signal contained within the hyperlinked television broadcast (data

representative of an on screen graphical icon from the received broadcast data – see Macrae 0042, 0046).

Regarding claim 15, Wistendahl as modified by Macrae further discloses that the icon is displayed in response to a change in a video image that is displayed (in response to data representative of an on screen graphical icon from the received broadcast data – see Macrae: 0042, 0046).

Regarding claim 21, Wistendahl as modified by Macrae further teaches that the icon comprising letter or an alphanumeric character, i.e., letter “i”, is displayed on the screen (see Macrae: figure 2).

Regarding claim 23, Winstendahl discloses that the object is visually highlighted in response to a user command (see col. 8, lines 40-54).

Regarding claim 24, Winstendahl discloses that a plurality of objects are displayed as hot spots during the particular shot (see col. 5, lines 46-60).

Regarding claim 25, Winstendahl discloses that the object is associated with a visibility indicia (display location coordinates of designated hot spot areas in the video frame) indicative of whether the object is viewable during the particular shot (col. 6, lines 4-8; col. 5, lines 56-60).

Regarding claim 26, Wistendahl discloses a hyperlinked television system (see figure 3) for indicating to a viewer of a hyperlinked television broadcast that a video object of a video frame (e.g., object A, object B as shown in figures 2-3) has associated therewith hyperlinked information, the video object being displayed based on video frame data, the system including a broadcaster (30) transmitting the hyperlinked television broadcast (media content, N data and/or IDM program) and a receiver (32-34) receiving the transmitted hyperlinked television broadcast (col. 6, lines 1-4 and 29-39; col. 5, line 44 to col. 6, line 10; col. 12, lines 13-18), the receiver comprising: a display (34 – see figure 3); a processor (within 32 – figure 3); a memory (within 32

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– figure 3) operably coupled to the processor and having program instructions stored therein, the processor being operable to execute the program instructions, the program instructions including: determining whether the video object in the video frame is viewable during a particular shot (the media content is converted to interactive use by mapping the “hot spot” as separate data which are used in an interactive media program associated with the media content. Particularly, hot spot area A'(Fi) is mapped for object A and hot spot area B'(Fi) is mapped for object B in frame F. Thus, the object is displayed or viewable as “hot spot” that is determined by the receiver.), wherein the video frame is associated with one or more visibility bits (e.g., pixel values from N data or the display location coordinates of designated hot spot area in the frame of the video), and the receiver determines whether the video object in the video frame is viewable based on the one or more visibility bits (the video object in the frame is displayed or viewable as “hot spot” associated with the pixel values or the display location coordinates of designated hot spot area in the frame of the video. See col. 5, line 44 to col. 6, line 10), and visually highlighting the video object during the particular shot (the object may be highlighted when a pointer of a pointing device is positioned over the hot spot – col. 8, lines 40-54).

Wistendahl does not disclose displaying an interactive content icon responsive to the determination that the video object is viewable during the particular shot, the icon for indicating that the object has hyperlinked information.

However, Macrae discloses displaying an icon on a screen of television to inform a viewer that Internet data accompanies the television program is available. (See figure 2 and 0025). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the system of Wistendahl by displaying an icon on screen to inform a viewer that Internet data accompanies the television program is available as taught by Macrae in order alert the viewer the availability of information in a more attractive manner.

Claim 27, see rejection of claim 23 above.

Claim 28, see rejection of claim 24 above.

Claim 29, see rejection of claim 25 above.

5. Claims 22 and 31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. (US 5,708,845 A) in view of Macrae et al. (US 20030005463 A1) and further in view of Proehl et al. (US 20030131356 A1).

Regarding claims 22 and 31, the combined teaching of Wistendahl and Macrae fails to disclose that the icon (comprising text) displays or indicates a time period remaining until an interaction opportunity will occur. However, Proehl shows that an indicator or a message 1110 is displayed approximately five minutes before a program airs to alert the user of the upcoming broadcast. The message is displayed for a period of time giving the user the opportunity to record the program, tune to the program or remove the message (see figure 11). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Wistendahl and Macrae by providing an indicator or message for indicating a time period remaining until an interaction opportunity will occur, i.e., selecting one of the options such as recording the program, tuning to the program or removing the message, as taught by Proehl in order to visually alert the user the upcoming broadcast.

6. Claims 11, 17-20, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wistendahl et al. (US 5,708,845 A) in view of Macrae et al. (US 20030005463 A1) and further in view of Dunn et al. (US 5,648,824 A).

Regarding claims 11, and 17, the combined teaching of Wistendahl and Macrae does not disclose that the icon reflects a subset of the buttons on the remote control, and the icon is displayed in response to a viewer's use of a remote control, respectively. However, Dunn suggests that displaying icon 100 provides control buttons corresponding to buttons 70 on

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remote control 40 in response to user's use of the remote control (see col. 5-6, lines 61-2 and figure 3). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the combined system of Wistendahl and Macrae by displaying icon provides control buttons corresponding to buttons on remote control as suggested by Dunn in order to provide viewer an on-screen visual aid controlling presentation of video.

Regarding claim 18, Wistendahl as modified by Macrae discloses that the icon conveys information about content of the hyperlinked information associated with the object (the icon conveys information about Internet data associated with video content – see Macrae: 0025, 0029).

Regarding claims 19 and 20, Wistendahl as modified by Macrae discloses that the icon indicate Internet data accompanies the television signal is available, when the viewer wishes to access Internet data, the Internet site address is sent to ISP to provide the Internet content to the viewer (see Macrae: 0025, 0032).

Regarding claim 33, the combined teaching of Wistendahl and Macrae as modified by Dunn further discloses that the icon is displayed with a visual effect (icon is displayed with a represented symbol of shuttle control(s) associated with the remote control) that changes with time (e.g., the program is played or stopped), simulating the action of depressing one or more buttons of the remote control (for example, when the program is being stopped or paused, a play symbol is positioned relative to the actuator representing icon at a north location that corresponds and visually maps to the upper actuation position 72 of remote control 70; however, a pause symbol is positioned relative to the actuator representing icon at the north location when the program is being played – see Dunn: col. 6, lines 10-36 and figures 3 and 5-6).

Allowable Subject Matter

7. Claim 30 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. Claims 12-13 would be allowable if rewritten or amended to overcome the objection set forth in this Office action.

Conclusion

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ngoc K. Vu whose telephone number is 571-272-7306. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on 571-272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



NGOC K. VU
PRIMARY EXAMINER
Art Unit 2623

January 16, 2007